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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,119	06/26/2003	Karl M. Armagost	47320.0130	1118
20874	7590	06/14/2006	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			CHEN, TIANJIE	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/604,119	ARMAGOST ET AL.	
	Examiner	Art Unit	
	Tianjie Chen	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-18 is/are allowed.
- 6) Claim(s) 19-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Final Rejection

Election/Restrictions

1. Election/Restriction requirement has been withdrawn and claims 1-25 are under consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri (US 5,818,723) in view of Dang et al (JP 8-255415A).

Claim 19, Dimitri shows a method for using an operator alterable space (the rightmost portion with drives portion) in magazine-based data cartridge library (Shown in Figs. 1-10) wherein the library including a shelf system (Fig. 1 with 22s) adapted to support at least a first and second data cartridge magazine; a first drive 56 (Column 4, line 41) adapted to read and right data on a data cartridge; a robotic magazine transport 110 capable of transporting one of the magazines from the shelf system in position for a cartridge transport to move at least one data cartridge from the data cartridge magazine to a cooperating relationship with the first drive, the method including: inserting a drive module into the operator alterable space (altered from Fig. 10 to Fig. 7) from an exterior location of the library wherein the drive module is capable of including a plurality of drives in the rightmost portion in Fig. 7); and

inherently providing power to the drive module through power means provided by the library and attaching the drive module fixedly to a mounting structure.

Dimitri does not show the exterior structure of the device. JP 8-255415, which has same inventor and assignee with US 5,818,723), shows a magazine-based library with exterior structure, which includes a method of inserting a drive module 43 through a front opening 37 into the operator alterable space. One of ordinary skill in the art would accept this exterior structure disclosed by same inventor and assignee to finishing the construction with corresponding method.

Claim 21, such constructed device further includes steps of detaching the drive module from the mounting structure since it can be inserted and surely can be detached and removed the drive module from the library through the accommodating opening; power is inherently able to be disengaged from the power means provided to the drive module.

Claim 22, since the library having 5 columns of bins in Fig. 7 is capable to be expended to having one more column of bins, it means it is capable of inserting a shelf module capable accommodating at least a third magazine through the accommodating opening and attaching the shelf module flexibly to a mounting structure in the above constructed Dimitri and Dang et al's device.

Claim 23, the above constructed device is able to positioning the magazine transport to a shelf opening of the shelf module defined by a shelf opening plane opposite an operator space opening plane defined by the accommodating opening of the operator alterable space and displacing the magazine from the shelf to the magazine transport.

Claim 24, in above constructed device, magazine is moved robotically by the

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Magazine transport to a shelf of the library shelf system.

Claim 25, in above constructed device, the magazine transport is adapted to move the magazine in a magazine transport space interposed between the shelf system and the shelf module.

3. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri in view of Dang et al as applied to claim 19 above, and further in view of Buckland et al (US 5,940,355).

Dimitri shows a sketch of drive in Fig. 1 without details of the structure. Buckland et al shows a library, wherein drive 141 (Fig. 1A) has an opening at front for inserting recording medium. It is also well known in art that this is a notorious and commonly used design. One of ordinary skill in the art would have been motivated to apply this drive structure into Dimitri and Dang et al's device. Such constructed device would include a step of positioning the cartridge transport to a drive opening of the drive and loading the tape cassette into the drive wherein the drive opening is through a drive opening plane opposite an operator space opening plane defined by the accommodating opening of the operator alterable space.

Allowable Subject Matter

4. Claims 1-18 are allowed.

- With regard to independent claim 1, as the closest reference on record, Dimitri (US 5,818,723) shows a magazine-based data cartridge library including: frame; a shelf system, operatively attached to the frame, for supporting at least two data cartridge magazines and including at least one shelf; a drive 56 that is operatively attached to the frame; a cartridge transport device 110, operatively

attached to the frame, for moving a data cartridge between a data cartridge magazine and the drive; a magazine transport device, operatively attached to the frame, for moving a data cartridge magazine; **but fails to show** an operator alterable space capable of accommodating at least a shelf module or a drive module **interchangeably** located within a space defined by the frame.

- With regard to independent claim 10, as the closest reference on record, Dimitri (US 5,818,723) shows a shelf system adapted to support at least a first and second data cartridge magazine; at least a first drive adapted to read and right data on a data cartridge; a robotic magazine transport capable of supporting one of the magazines from the shelf system in position for a cartridge transport to move at least one data cartridge from the data cartridge magazine to a cooperating relationship with the first drive; **but fails to show** an operator alterable space defined by a frame adapted to accommodate one of a plurality of interchangeable modules including a shelf module and a drive module wherein the shelf module is adapted to accommodate at least a third data cartridge magazine and the drive module is adapted to accommodate at least a second drive; that the shelf module is capable of replacing the drive module through an opening in the frame.
- Applicant asserts: this magazine-based library is able to load the drives fast ([0011]).

Response to Arguments

- Applicant's arguments have been fully considered and are persuasive. The rejection on claim 1 has been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chen Tianjie
TIANJIE CHEN
PRIMARY EXAMINER